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C O N F I D E N T I A L SECTION 01 OF 03 BANGKOK 004478

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DEPT FOR EAP/MLS, NSC FOR PHU

E.O. 12958: DECL: 08/20/2017

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SUBJECT: THAI VOTERS APPROVE NEW CONSTITUTION

REF: A. BANGKOK 4393 (THAILAND REFERENDUM UPDATE)

[1](#)B. BANGKOK 4323 (THAI REFERENDUM APPROACHES)

Classified By: Ambassador Ralph L. Boyce, reason 1.4 (b) and (d).

SUMMARY

[1](#)1. (C) Thai voters endorsed a new constitution by a margin of 57%-41% in an August 19 referendum that saw a higher-than-expected turnout. Anti-charter activists, many of whom support former Prime Minister Thaksin Shinawatra, appear to have successfully mobilized a strong "no" vote in most of the country's Northeast and some northern provinces, although the charter passed by strong margins elsewhere. While a few independent observers reported some allegations of vote-buying or electoral manipulation, Embassy and ConGen Chiang Mai observers reported no nefarious fraud or serious voting irregularities. Other allegations of voter fraud may still surface, however. The constitution's passage paves the way for December elections, although whether the coup leaders have succeeded in using the constitution as a tool to hamstring former Thai Rak Thai leaders remains unclear. End summary.

CONSTITUTION UNDERWHELMINGLY APPROVED

[1](#)2. (U) Official election results indicate that voters approved Thailand's new constitution by a margin of 57%-41% (2% of ballots were declared invalid) in an August 19 referendum. Approximately 58% of eligible voters turned out to participate in the country's first constitutional plebiscite. Support for the new charter varied dramatically by region, ranging from resounding support in the South (86%-11%), strong approval in the country's central region which encompasses Bangkok (65%-33%), to a narrow victory in the North (53%-44%). Only in the Northeast, which strongly supported former Prime Minister Thaksin's dissolved Thai Rak Thai (TRT) party in previous elections, did the charter fail to garner a majority, with 62% of voters rejecting the document in that region. The successful passage of the new constitution sets the stage for a general election which government officials announced will take place December 16 or December 23.

[1](#)3. (U) Prominent anti-charter activists accepted the outcome

of the vote by Sunday evening and the media reported that some expressed satisfaction at the strong "no" vote for which they had actively campaigned. Chaturon Chaisaeng, a former TRT leader, told the press his group would now forswear confrontation in favor of national reconciliation, while leaders of the United Front of Democracy against Dictatorship (UDD -- the main pro-Thaksin/anti-coup protest group) urged the government to closely examine all allegations of voting irregularities.

SOME SURPRISING RESULTS

¶4. (C) While the final referendum results have largely tracked pre-election polling, the voter turnout of 58% was surprisingly stronger than expected. Prior to the referendum our contacts had doubted the government could muster the 50% turnout targeted by the Election Commission of Thailand (ECT), and some feared the turnout could possibly be as low as 20-30%, thus threatening the legitimacy of the vote. The respectable turnout was likely due to a vigorous government-sponsored get-out-the-vote campaign, which featured extensive pre-referendum travel by the Prime Minister, large-scale organized rallies, and television, radio and billboard advertisements (ref B). Embassy and ConGen Chiang Mai referendum observers reported local government officials encouraging citizens to vote by escorting their neighbors to polling stations, using truck-mounted public address systems, and in some cases, placing buses on stand-by to transport voters to the polls.

¶5. (C) Some observers expressed surprise at the stronger-than-expected support for the charter in the North,

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where the constitution passed by a thin majority. While the far Northern provinces -- a hotbed of support for former PM Thaksin where former TRT politicians actively campaigned against the charter -- voted against the constitution by margins exceeding 60% in many areas, anti-charter fervor was not as strong in northern areas south of Chiang Mai. Many former TRT politicians in these provinces did not campaign against the charter, possibly depriving the anti-charter movement of a strong voice in this region.

¶6. (C) Much media attention focused on the provinces of the rural northeast (Isaan). With the largest number of voters out of Thailand's four regions and a bastion of support for Thaksin's TRT party, this rural heartland remains a key electoral battleground. During Poloff travel to Isaan August 16-17, local election officials in Buriram, Si Sa Ket and Surin provinces had said that voter turnout was unlikely to top 60 percent, and that support for the referendum would be split 50/50. Former TRT politicians predicted that the referendum would fail in Isaan, but pass nationwide.

¶7. (C) While opposition to the referendum exceeded expectations in Isaan, a slight majority of voters in the province of Buriram -- home of Thaksin stalwart Newin Chidchop and the scene of recent arrests for vote-buying -- appear to have surprisingly voted in favor of the draft charter. Local NGO officials and the Buriram vice governor told us on August 20 that their aggressive efforts to combat vote-buying and provide information on the draft charter were the key dynamics influencing this unexpected result. The vice-governor, who has led the investigation into anti-charter vote-buying, also told us that local voters are "tired" of the old political network in Buriram and used their votes for the charter to send a signal to politicians like Newin.

FEW IRREGULARITIES REPORTED THUS FAR

¶8. (C) Eleven Embassy and ConGen Chiang Mai observation teams in Central and Northern Thailand observed no serious voting

irregularities during the referendum. Embassy contacts reported scattered allegations of vote-buying and manipulation of voter lists. Near the northern city of Chiang Mai, a city mayor told us that the military intimidated some anti-charter activists, while one former TRT politician alleged the military had offered large financial rewards for village leaders whose communities supported the charter. Pollwatch-PNET, Thailand's independent poll-monitoring organization, also reported that government officials in some Northeast provinces had removed some names from the voter list in a bid to boost turnout. Embassy teams observing the vote count in several provinces reported that there were no obvious signs of fraud or manipulation. While other voting irregularities may still surface and ECT officials have yet to fully investigate allegations of voting irregularities, for now no extensive electoral fraud appears to have taken place.

¶9. (SBU) ECT officials told the media that by August 20 they were investigating 173 reports of voting irregularities. Many of these complaints appeared to be procedural in nature. Embassy and Pollwatch observers reported that some polling station employees followed incorrect voting procedures, possibly as a result of their unfamiliarity with the referendum regulations. None of these procedural violations is likely to have affected the voter turnout. Police arrested 5 individuals who destroyed their ballots -- a crime under Thai election law -- however, the media reported that only one of these individuals destroyed their ballot as a political statement.

COMMENT

¶10. (C) While the government is no doubt pleased that the public has approved the new constitution and that a higher-than-expected percentage voted in the referendum, the fact that a substantial percentage of the electorate voted to reject the charter should give it pause. Not all votes

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against the charter indicate strong support for Thaksin or TRT, in spite of the former ruling party's opposition to the draft, as many voters opposed the new constitution for other reasons such as opposition to a coup-sponsored drafting process or anger at the content of the new charter. At the same time, a vote for the constitution did not necessarily indicate a vote against Thaksin, as many voters may still opt to vote in the next Parliamentary election for a party that is backed by the former PM or espouses his policies. The constitution's biggest selling point is that it paves the way for December elections. While the lack of evidence of serious voter fraud is encouraging, we will continue to urge government officials to investigate thoroughly any voting irregularities. End comment.

¶11. (C) Embassy observer teams reported the following interesting observations during the referendum:

-- A vendor outside a polling station near Chiang Mai claimed her entire village was voting "no" because they feared the new constitution, which few had seen or read, "could lead to communism".

-- A village chief in a Chiang Mai district indicated that many people who voted for the constitution did so to restore democracy, saying "we don't want to be like Burma".

-- Officials at a polling station in Bangkok transported election materials to Election Commission Headquarters via taxi with a police escort.

-- Late in the day on Sunday, Embassy staff arrived at a sleepy polling station near Bangkok to observe the referendum. The polling station's staff, who had to be

roused from an afternoon nap, indicated that voter turnout had been slow during the afternoon.

-- At election headquarters in a province north of Bangkok, election officials interrupted the counting process so that officials and observers alike could eat dinner.
BOYCE